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REMARKS

The Examiner has rejected Claims 1-33 under 35 U.S.C. 103(a) as being unpatentable over Barroux (US Pat. No.: 5,923,850) in view of Ries et al. (US Pat. No.: 6,061,724). Applicant respectfully disagrees with this rejection, especially in view of the amendments made hereinabove.

Specifically, applicant has incorporated the subject matter of Claims 2-4, and 10 (or similar, but not identical limitations) into each of the independent claims. In the previous Office Action, the Examiner has relied on the following excerpt from Barroux to make a prior art showing of applicant's claimed "agent being adapted to receive data from the policy orchestrator server and to enforce the policies corresponding to the resources." See this and similar language in all of the independent claims.

"EDS 206 includes an administrative database 230 and an asset database 232. Administrative database 230 stores data that defines discovery tasks performed by integrated resource 200 on network 202. Each task identifies a probe mechanism, an IP address (for IP networks), and a time to execute the task. Upon initialization, integrated resource 200 queries this database and computes a schedule of tasks to be executed. Integrated resource 200 also computes whether tasks need to be repeated, and builds an interval schedule for tasks requiring repetition into its schedule. Integrated resource 200 also reads administrative database 230 to determine when and where to invoke auto-installation system 210 to install RPC agents on nodes of network 202.

Integrated resource 200 collects and analyzes information about nodes of network 202 and returns that information to asset database 232. Asset database 232 may then serve as a basis for more detailed report generation." (col. 3, line 64 - col. 4, line 14)

Such excerpt and the remaining Barroux reference, however, merely disclose discovery and/or survey "agents." See, for example, col. 3, lines 41-52 cited by the Examiner. There is simply no disclosure, teaching or even suggestion of any sort of "agent being adapted ... to enforce the policies corresponding to the resources." The foregoing excerpt, for example, merely discusses the functionality of EDS 206, not an agent. Only applicant teaches and claims an agent capable of enforcing policies, in the manner claimed.

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To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of applicant's claim limitations.

Nevertheless, in the spirit of expediting the prosecution of the present application, applicant has further distinguished the prior art by claiming the subject matter of former Claims 2-4, and 10 (or similar, but not identical limitations), in each of the independent claims:

"wherein a management console is in communication with the network directory and the policy orchestrator server for providing a user interface, the management console being adapted to selectively display the hierarchical tree structure and the policies stored in the network directory;

wherein the management console dynamically determines the policy of a selected node of the hierarchical tree structure;

wherein the management console dynamically determines the policy of the selected node by reading the policies of nodes along a path of nodes from a root of the hierarchical tree structure to the selected node and wherein the management console overwrites previously written policies upon reading conflicting policies at each node along the path of nodes;

wherein each agent includes a task execution component for causing performance of a scheduled task at a scheduled time, a policy enforcement component for enforcing policies applicable to resources of the corresponding device, a property collection component for collecting and storing properties of the corresponding resources of the

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device and for transmitting the properties to the policy orchestrator server, and an event collection component for collecting and storing event data and for transmitting the event data to the policy orchestrator server."

The Examiner has relied on col. 4, line 3; and col. 14, line 25 –col. 18, line 21 from Barroux to make a prior art showing of the subject matter of former Claim 4, "wherein the management console dynamically determines the policy of the selected node by reading the policies of nodes along a path of nodes from a root of the hierarchical tree structure to the selected node and wherein the management console overwrites previously written policies upon reading conflicting policies at each node along the path of nodes." See this and similar language in all of the independent claims.

After careful review of the foregoing excerpts from Barroux, however, it is clear that the Examiner is not taking into consideration the full weight of applicant's claim language. For example, simply nowhere in Barroux is there disclosed, taught or even suggested any sort of management console that dynamically determines the policy of the selected node "by reading the policies of nodes along a path of nodes from a root of the hierarchical tree structure to the selected node and wherein the management console overwrites previously written policies upon reading conflicting policies at each node along the path of nodes," as claimed.

Still yet, the Examiner has relied upon numerous excerpts from Barroux to make a prior art showing of the subject matter of former Claim 10, "wherein each agent includes a task execution component for causing performance of a scheduled task at a scheduled time, a policy enforcement component for enforcing policies applicable to resources of the corresponding device, a property collection component for collecting and storing properties of the corresponding resources of the device and for transmitting the properties to the policy orchestrator server, and an event collection component for collecting and storing event data and for transmitting the event data to the policy orchestrator server." See this and similar language in each of the independent claims.

Again, after careful review of such excerpts from Barroux, it is clear that Barroux fails to disclose, teach, or even suggest any sort of agent that includes at least "a policy enforcement

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component for enforcing policies applicable to resources of the corresponding device .... and an event collection component for collecting and storing event data and for transmitting the event data to the policy orchestrator server,” as claimed.

Thus, applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of applicant's claim limitations. A notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Applicant further notes that the application of the prior art to the dependent claims is further replete with deficiencies. Still yet, applicant brings to the Examiner's attention the following added limitations believed to be novel by applicant:

“wherein a directory management display of the management console includes a scope pane, a selected node directory pane, and a details pane” (see Claim 34);

“wherein the scope pane displays the hierarchical tree structure as populated by the management console” (see Claim 35);

“wherein the scope pane includes a software tab and a directory tab for display of software and director content in the scope pane” (see Claim 36);

“wherein the selected node directory pane includes a policies tab, a properties tab, an events tab, and a tasks tab for display of policies, properties, events, and tasks in the selected node directory pane” (see Claim 37); and

“wherein, if a node is selected, the node is highlighted in the hierarchical tree structure in the scope pane and details of the hierarchical tree structure and software hierarchy for the selected node is displayed in the selected node directory pane” (see Claim 38).

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Again, a notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

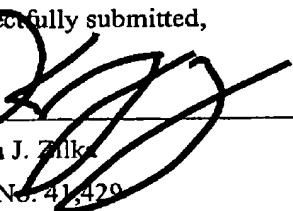
Reconsideration is requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAI1P272/00.139.01).

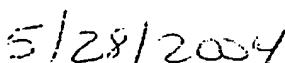
Respectfully submitted,

By: \_\_\_\_\_

Date: \_\_\_\_\_

  
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